28 pursuant to the procedures outlined below:

| A Chapter 7 Trustee may sell assets of a bankruptcy estate if there is a sound business                |
|--|
| purpose. Property of the Estate includes Debtor's co-ownership interest in the Property, and Trustee   |
| has negotiated terms for a consensual sale of the Property with the co-owner. Because the sale price   |
| is estimated to be sufficient to pay Debtor's homestead exemption in full and net more than            |
| \$150,000 for the Estate, Trustee requests that the Court grant the motion and approve the sale.       |
| The Motion will be heard by the Court on the date and time listed on page one of this notice.          |
| Information Required Pursuant To Local Bankruptcy Rule 6004-1(c)(3):                                   |
| (A) The date, time, and place of the hearing: May 21, 2024, 1:00 p.m., Ctrm: 304, located              |
| at 3420 Twelfth Street, Riverside, CA 92501;   |
| (B) Buyers: Jonathan Alarcon and Cindy Herrera, subject to overbid;                                    |
| (C) Description of the property to be sold: real property commonly known as                            |
| 11364 Estates Court, Riverside, California 92503, Assessor's Parcel Number: 136-050-035;               |
| (D) The terms and conditions of the proposed sale, including the price and all                         |
| contingencies: The proposed sale is as-is, where-is, without any warranties or representations, to the |
| Buyer (or Successful Bidder) pursuant to the terms and conditions as set forth in the Purchase and     |
| Sale Agreement and related documents ("PSA"). As more specifically provided in the PSA and             |
| Motion, the Property is sold with all faults, and subject to overbid. Bid price by Buyers is           |
| \$1,700,00.00 with a \$52,500.00 deposit, which procedures are described in greater detail below.      |
| (E) The Trustee proposes to sell the Property free and clear of monetary liens,                        |
| encumbrances, and interests, and distribute the sale proceeds in the following manner:                 |
| There are no recorded liens against the Property. Trustee proposes to pay any outstanding              |
| property taxes, commissions, costs of sale (i.e. escrow, title, transfer fees, etc.) from escrow upon  |
| closing. All other proceeds will be disbursed as set forth in the PSA.                                 |
| (F) Whether the proposed sale is subject to higher and better bids: Yes. See below                     |
| overbid procedure.   |
| Overbid Procedure  |

To maximize the benefit to the Estate, Trustee requests this sale be subject to overbid,

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- 7 Auction.
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- 28 Bidder").

- the sale motion ("Bid Deadline"). 2. Any entity that submits a timely, conforming Overbid shall be deemed a "Qualified Bidder" and may bid for the Property at the hearing. Only Qualified Bidders may participate in the
- 3. Any Overbid must remain open until the conclusion of the auction ("Auction") of the Property to be held at the hearing on this Motion.
- 4. Any Overbid must provide for a minimum purchase price of at least \$1,725,000 (i.e. \$25,000 more than the accepted offer from Buyers).
- Any Overbid must be for the Property "as is," "where is," and "with all faults" and 5. shall not contain any financing, due diligence, or any other contingency including any termination fee, or any similar fee or expense reimbursement, and must agree to substantially the same terms as set forth in the PSA.
- 6. Any Overbid must be accompanied by a deposit of \$52,500.00 in certified funds, which funds shall be nonrefundable if the bid is determined by the Court to be the highest and best bid for the Property ("Best Bid"), and proof satisfactory to Trustee that such bidder has sufficient funds to complete the sale.
- 7. If Trustee receives a timely, conforming Overbid for the Property, the Court will permit Trustee to conduct an auction of such property at the hearing, in which all Qualified Bidders may participate. The Auction shall be governed by the following procedures: (a) All Qualified Bidders shall be deemed to have consented to the core jurisdiction of the Bankruptcy Court and to 24 have waived any right to jury trial in connection with any disputes relating to the Auction or the sale of the Property; (b) The minimum bidding increment during the Auction shall be \$10,000.00; 26 (c) Bidding shall commence at the best bid presently received and accepted by Trustee; and (d) the Court will resolve any disputes over whether Trustee has accepted the best bid ("Successful

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- 8. The Successful Bidder must pay, at the closing, all amounts reflected in the Best Bid in cash and such other consideration as agreed upon.
- 9. Any bidder other than the Successful Bidder may be deemed, upon their consent, as the Back-Up Bidder who may be substituted for the Successful Bidder without further court order in the event that the Successful Bidder fails to close escrow, at a set price.

Trustee believes that the requested overbid procedures, including the minimum initial overbid of \$1,725,000.00 and the minimum bidding increments of \$25,000 is reasonable, and the bidding procedures including the minimum overbid and the bidding increments will not chill bidding.

- Consideration to be received by the Estate: \$156,814.00, or more, subject to overbid, (G) as provided in the Motion and above.
- (H) Commissions: Broker, defined in the Motion, commission equal to 5% of the sale price, to be divided between seller's broker and buyer's broker according to customary practices;
- (I) The estimated (a) property taxes for this sale: Pursuant to the Title Report, estimated property taxes are \$9,581.34.
  - (J) The date by which an objection must be filed and served: May 7, 2024.

# Additional Information and Objections to the Motion

The complete scope and terms of the relief are detailed in the Motion, a copy of which can be obtained by contacting D. Edward Hays and Tinho Mang whose contact information is listed in the top left-hand corner of the first page of this Notice. If you do not oppose the Motion described above, you need take no further action.

However, if you object to the Motion, pursuant to Rule 9013-1 of the Local Bankruptcy Rules ("LBR"), any opposition must be filed with the court no later than fourteen (14) days prior to the date of the hearing on the Motion. You must file your opposition with the Clerk of the United States Bankruptcy Court. You must also serve a copy of your objection upon D. Edward Hays and Tinho Mang no later than 14 days prior to the date of the hearing on the Motion at the mailing address indicated in the upper left corner of the first page of this motion, and upon the Office of the United States Trustee at 3801 University Avenue, Suite 730, Riverside, CA 92501. Any failure to

# Main Document Page 5 of 12 1 timely file and serve an opposition may result in a waiver of any such opposition and the court may enter an order granting the motion without further notice. Dated: April 24, 2024 MARSHACK HAYS WOOD LLP By: /s/ Tinho Mang D. EDWARD HAYS TINHO MANG Attorneys for Chapter 7 Trustee, ARTURO M. CISNEROS

Doc 74 Filed 04/24/24 Entered 04/24/24 18:43:39 Desc

Case 6:23-bk-15163-WJ

# PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: <u>TRUSTEE'S NOTICE OF MOTION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY:</u> (A) OUTSIDE THE ORDINARY COURSE OF BUSINESS; (B) FREE AND CLEAR OF LIENS; (C) SUBJECT TO OVERBIDS; AND (D) FOR DETERMINATION OF GOOD FAITH PURCHASER UNDER § 363(M) will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

| HONORABLE WAYNE OUNITED STATES BANK<br>3420 Twelfth Street, Suit<br>Riverside, CA 92501-38                      | JOHNSON<br>RUPTCY COURT<br>te 384 / Courtroom 304<br>19                                      | Service information continued on attached pa States that the foregoing is true and correct.  /s/ Chanel Mendoza Signature  | ge   |
|---|--|--|------|
| VIA OVERNIGHT MAIL: HONORABLE WAYNE CONTROL UNITED STATES BANK 3420 Twelfth Street, Suit Riverside, CA 92501-38 | JOHNSON<br>RUPTCY COURT<br>te 384 / Courtroom 304<br>19                                      | ·  | ge   |
| HONORABLE WAYNE C<br>UNITED STATES BANK<br>3420 Twelfth Street, Sui   | JOHNSON<br>CRUPTCY COURT<br>te 384 / Courtroom 304   | ☐ Service information continued on attached pa   | ge   |
| HONORABLE WAYNE C<br>UNITED STATES BANK<br>3420 Twelfth Street, Sui   | JOHNSON<br>CRUPTCY COURT<br>te 384 / Courtroom 304   |  |      |
|   |  |  |      |
| F.R.Civ.P. 5 and/or cont<br>overnight mail service, o<br>email as follows. Listing                              | rolling LBR, on <u>April 24, 2024</u> , I served<br>r (for those who consented in writing to | FACSIMILE TRANSMISSION OR EMAIL: Pursuant to d the following persons and/or entities by personal delived such service method), by facsimile transmission and/or on that personal delivery on, or overnight mail to, the judge            | ery, |
|   |  | ⊠ Service information continued on attached pa   | ge   |
| known addresses in this envelope in the United S  | bankruptcy case or adversary proceed tates mail, first class, postage prepaid                | served the following persons and/or entities at the last<br>ding by placing a true and correct copy thereof in a seale<br>, and addressed as follows. Listing the judge here<br>eted no later than 24 hours after the document is filed. | d    |
|   |  | ⊠ Service information continued on attached pa   | ge   |
| 2024, I checked the CM/   | egoing document will be served by the<br>ECF docket for this bankruptcy case o               | <b>RONIC FILING (NEF)</b> : Pursuant to controlling General court via NEF and hyperlink to the document. On <b>April 2</b> r adversary proceeding and determined that the following ransmission at the email addresses stated below:     |      |
|   |  |  |      |

# 1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- TRUSTEE: Arturo Cisneros (TR) amctrustee@mclaw.org, acisneros@iq7technology.com;ecf.alert+Cisneros@titlexi.com
- INTERESTED PARTY COURTESY NEF: Alan W Forsley alan.forsley@flpllp.com, awf@fkllawfirm.com,awf@fl-lawyers.net,addy@flpllp.com
- ATTORNEY FOR LAWRENCE CHILDREN'S TRUST UTA MAY 6, 2014: Thomas M Geher tmg@jmbm.com, bt@jmbm.com;tmg@ecf.courtdrive.com
- ATTORNEY FOR INTERESTED PARTY MASSAGE ENFY FRANCHISING: Eric D Goldberg eric.goldberg@dlapiper.com, eric-goldberg-1103@ecf.pacerpro.com
- ATTORNEY FOR TRUSTEE: D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com;alinares@ecf.courtdrive.com;cmendoza@marshackhays.com;cmendoza@ecf.courtdrive.com
- ATTORNEY FOR DEBTOR: Marc A Lieberman marc.lieberman@flpllp.com, safa.saleem@flpllp.com,addy@flpllp.com
- ATTORNEY FOR TRUSTEE: Tinho Mang tmang@marshackhays.com, tmang@ecf.courtdrive.com;alinares@ecf.courtdrive.com;cmendoza@ecf.courtdrive.com
- U.S. TRUSTEE: United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

# 2. **SERVED BY UNITED STATES MAIL**: (CONTINUED)

#### **DEBTOR**

SHAMICKA LAWRENCE 11364 ESTATES COURT RIVERSIDE, CA 92503-0639

### **INTERESTED PARTY**

ALL OCCUPANTS AND/OR TENANTS OCCUPYING THE REAL PROPERTY LOCATED AT: 11364 ESTATES COURT RIVERSIDE, CA 92503-0639

### **INTERESTED PARTY**

ROBERT LAWRENCE, TRUSTEE LAWRENCE CHILDREN'S TRUST U/D/T MAY 6, 2014 C/O NANCY BOXWELL, ESQ. GANG TYRE RAMER BROWN & PASSMAN 132 S RODEO DR, BEVERLY HILLS, CA 90212

### **SECURED CREDITOR**

RIVERSIDE COUNTY TAX COLLECTOR ATTN: MATTHEW JENNINGS TREASURER-TAX COLLECTOR 4080 LEMON ST, 4TH FLOOR RIVERSIDE, CA 92501-3609

#### **SECURED CREDITOR**

MERCEDES - BENZ FINANCIAL SERVICES ATTN: BANKRUPTCY PO BOX 685 ROANOKE, TX 76262-0685

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PO BOX 5229
CINCINNATI, OH 45201-5229

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#### **CREDITOR**

14652-8 VENTURA, LLC
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17245 LUVERNE PL
ENCINO, CA 91316-3933

# RTD 4/19/24 UTF CREDITOR

14652-8 VENTURA, LLC ATTN: ROW ZADEH 14652 VENTURA BLVD LOS ANGELES, CA 91403-3686

# **CREDITOR**

ADT ATTN: BANKRUPTCY 1501 W YAMATO RD

BOCA RATON, FL 33431-4438

# **CREDITOR**

AMERICAN EXPRESS C/O BECKET AND LEE PO BOX 3001 MALVERN, PA 19355-0701

# **CREDITOR / POC ADDRESS**

AMERICAN EXPRESS NATIONAL BANK C/O BECKET AND LEE PO BOX 3001 MALVERN, PA 19355-0701

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CAROL STREAM, IL 60197-5014

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25134 RYE CANYON LOOP, #300
VALENCIA, CA 91355-5031

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BRIDGEPORT MARKETPLACE, LLC ATTN: DALE DONOHOE 28338 CONSTELLATION ROAD, SUITE 900 VALENCIA, CA 91355-5098

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CAPITAL ONE ATTN: BANKRUPTCY DEPARTMENT PO BOX 5155 NORCROSS, GA 30091

# **CREDITOR**

CAPITAL ONE
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PO BOX 30285
SALT LAKE CITY, UT 84130-0285

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# **CREDITOR / POC ADDRESS**

CAPITAL ONE N.A.
BY AMERICAN INFOSOURCE AS
AGENT
PO BOX 71083
CHARLOTTE, NC 28272-1083

### **CREDITOR**

CHASE CARD SERVICES ATTN: BANKRUPTCY PO BOX 15298 WILMINGTON, DE 19850

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CITY OF LOS ANGELES, OFFICE OF FINANCE PO BOX 53233 LOS ANGELES, CA 90053-0233

### **CREDITOR**

CITY OF LOS ANGELES, OFFICE OF FINANCE 200 N SPRING ST, RM 101, CITY HALL LOS ANGELES, CA 90012-3224

#### **CREDITOR**

CITY OF VENTURA BUSINESS TAX OFFICE 501 POLI ST, RM 107 VENTURA, CA 93001-2632

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COUNTY OF LOS ANGELES DEPARTMENT OF TREASURER & TAX COLLECTOR PO BOX 514818 LOS ANGELES, CA 90051-4818

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GOLDEN SPECTRUM PROPERTY LLC C/O SHIN YEN MANAGEMENT INC ATTN: BRIAN HO 3808 GRAND AVE, SUITE B CHINO, CA 91710-5496

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NA SHAUN NEAL 3756 SANTA ROSALIA DR, SUITE 326 LOS ANGELES, CA 90008-3615

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# CREDITOR REGUS

ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE SERVICE OF PROCESS 11801 PIERCE STREET, SUITE 200 RIVERSIDE, CA 92505-4400

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PO BOX 3953
SEATTLE, WA 98124-3953

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C/O NICK BADII, ESQ
LAWYERS FOR EMPLOYEE &
CONSUMER RIGHTS APC
3500 W OLIVE AVE, 3RD FLOOR
BURBANK, CA 91505-4628

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SMALL BUSINESS ADMINISTRATION 409 3RD STREET SW WASHINGTON, DC 20024-3212

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CHARLOTTE, NC 28289-0271

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STRATEGEM INVESTMENTS, LLC ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE SERVICE OF PROCESS 410 S JUANITA AVENUE REDONDO BEACH, CA 90277-3824

#### CREDITOR

THE COLLECTION AT RIVERPARK C/O CENTERCAL PROPERTIES, LLC 2751 PARK VIEW COURT, SUITE 261 OXNARD, CA 93036-5451

# CREDITOR

THE DARVISH FIRM, APC
ATTN: OFFICER, A MANAGING OR
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OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE OF PROCESS
12424 WILSHIRE BOULEVARD,
SUITE 1115
LOS ANGELES, CA 90025-1071

# **CREDITOR / POC ADDRESS**

THE DARVISH FIRM, APC
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10990 WILSHIRE BLVD., SUITE 800
LOS ANGELES, CA 90024

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U.S. SMALL BUSINESS
ADMINISTRATION / CESC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE OF PROCESS
14925 KINGSPORT ROAD
FT WORTH, TX 76155

### **CREDITOR**

VENTURA COUNTY TAX COLLECTOR 800 S VICTORIA AVE VENTURA, CA 93009-0002

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WORLD PAY MERCHANT SERVICES ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE SERVICE OF PROCESS PO BOX 639726 CINCINNATI, OH 45263-9726

# **CO-DEBTOR**

5077 LANKERSHIM HEALTH
ASSOCIATES, LLC
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AGENT AUTHORIZED BY
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11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

# **CO-DEBTOR**

BEAUTIFUL GIRLS, LLC
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OTHER AGENT AUTHORIZED BY
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11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

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#### **CO-DEBTOR**

COASTAL MASSAGE CHANNEL ISLANDS HARBOR, INC.
ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE SERVICE OF PROCESS 11801 PIERCE ST, SUITE 200 RIVERSIDE, CA 92505-4400

#### **CO-DEBTOR**

ELEVEN EIGHT, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE OF PROCESS
11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

# **CO-DEBTOR**

JOYFULLY GIFTED, INC.
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE OF PROCESS
11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

### **CO-DEBTOR**

WEST COAST BABY, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE OF PROCESS
11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

#### **CO-DEBTOR**

COASTAL MASSAGE OXNARD, INC. ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE SERVICE OF PROCESS 11801 PIERCE ST, SUITE 200 RIVERSIDE, CA 92505-4400

### **CO-DEBTOR**

FAITH PAGE LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE OF PROCESS
11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

# **CO-DEBTOR**

LAWRENCE GIRLS, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY OTHER
AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO RECEIVE
SERVICE OF PROCESS
11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

#### **CO-DEBTOR**

COASTAL MASSAGE VENTURA INC. ATTN: OFFICER, A MANAGING OR GENERAL AGENT, OR TO ANY OTHER AGENT AUTHORIZED BY APPOINTMENT OR LAW TO RECEIVE SERVICE OF PROCESS 11801 PIERCE ST, SUITE 200 RIVERSIDE, CA 92505-4400

# **CO-DEBTOR**

JOYFUL WELLNESS, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE OF PROCESS
11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-4400

### **CO-DEBTOR**

TRINITY FIFTEEN, LLC
ATTN: OFFICER, A MANAGING OR
GENERAL AGENT, OR TO ANY
OTHER AGENT AUTHORIZED BY
APPOINTMENT OR LAW TO
RECEIVE SERVICE OF PROCESS
11801 PIERCE ST, SUITE 200
RIVERSIDE, CA 92505-5191